

JUN 23 2004

OFFICIAL

UTILITY PATENT APPLICATION
Atty. Docket No. 141181-200200IN THE UNITED STATES
PATENT AND TRADEMARK OFFICEIn re Application of: Chia-Tin Chung *et al.*

Serial No.: 09/730,904

Filed: December 5, 2000

For: METHOD FOR
MANUFACTURING AN
ORGANIC
ELECTROLUMINESCENT
DISPLAY

Group Art Unit: 1756

Examiner: John McPherson

September 12, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Attn Mail Stop: PetitionsPETITION UNDER 37 C.F.R. 1.181

In response to the Notice of Abandonment mailed April 9, 2003, in the present Application the Applicants respectfully submit this Petition to Withdraw Holding of Abandonment under 37 C.F.R. § 1.181.

CERTIFICATE OF EXPRESS MAIL - EV 047870883 US

I hereby certify that this correspondence is being deposited with sufficient postage in the U.S. Mail, Express Mail Service, addressed to:

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450
Attn Mail Stop: Petitions
Date of Mailing: September 12, 2003Signature: Brian C. McCormack

Brian C. McCormack

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

PAGE 1 OF 5

I. **PETITION TO WITHDRAW NOTICE OF ABANDONMENT UNDER 37 C.F.R. 1.181**

The Applicants respectfully request the present Petition to Withdraw Holding of Abandonment under 37 C.F.R. § 1.181 be granted, and therefore that the Notice of Abandonment in the present Application be withdrawn. The Manual of Patent Examining Procedure (M.P.E.P.) provides that if an application is improperly abandoned, the holding of abandonment may be withdrawn upon petition:

Where an applicant contends that the application is not in fact abandoned . . . , a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate cause of action, and such petition does not require a fee.

M.P.E.P. § 711.03(c). Based upon the following evidence, the Applicants respectfully submit that the present Application was improperly abandoned.

A non-final Office Action was allegedly mailed on this Application on September 18, 2002. However, the Applicants respectfully submit that the Non-Final Office Action of September 18, 2002, was never received by the Applicants at the Correspondence Address designated in the Application. Consequently, the Application became abandoned on March 18, 2003, six months after the mailing date of the Non-Final Office Action. A Notice of Abandonment for Failure to Respond to Office Action was mailed April 9, 2003. Although this Petition under 37 C.F.R. 1.181 is not within the two-month period stated in 37 C.F.R. 1.181(f), the Applicants submit herewith a Terminal Disclaimer dedicating to the public a terminal part of the term of any patent granted on this Application that would extend beyond 20 years from the filing date of this Application, or the earliest application to which the present Application specifically refers under 35 U.S.C. 120, 121, or 365(c). This Terminal Disclaimer is attached hereto (EXHIBIT A). In addition, a fee for this Petition is not believed to be due. M.P.E.P. 711.03(c)I.

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

PAGE 2 OF 5

In support of the above assertion, a Declaration of Jeanette Olivera, an assistant in the San Diego office of Baker & McKenzie, which was the designated Correspondence Address for the present Application on or before September 18, 2002, is attached (EXHIBIT B). Ms. Olivera states that the San Diego office never received the Office Action dated September 18, 2002. (Olivera Decl. ¶3). A Declaration of Anna Tsang, an attorney in the Taipei, Taiwan office of Baker & McKenzie and the attorney-in-charge of the present Application on September 18, 2002, is also attached (EXHIBIT C) wherein Ms. Tsang states that she also did not receive the Office Action dated September 18, 2002. (Tsang Decl. ¶5).

Furthermore, a Declaration of Cathy Wang, a Patent Administrator in the Taipei office of Baker & McKenzie, is attached (EXHIBIT E), wherein Ms. Wang states that in the normal course of her work she receives correspondence from the San Diego office on certain patent related matters on which the San Diego office is the designated Correspondence Address, including matters that are being handled by the Taipei office, such as the present Application. (Wang Decl. ¶4). In addition, Ms. Wang states that she is presently the person in the Taipei office in charge of docketing matters for the present Application, and has been since at least September 18, 2002. (Wang Decl. ¶5). Ms. Wang further states that to the best of her knowledge, the Taipei office also did not receive the Office Action dated September 18, 2002, before March 18, 2003, if at all. (Wang Decl. ¶6).

The M.P.E.P. further states that:

The showing required to establish the nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office

action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.

M.P.E.P. 711.03(c)II. In view of the foregoing, Ms. Tsang, the Practitioner in the present Application, states that she has searched the file jacket of the present Application for the Office Action dated September 18, 2002, and has not found it therein. (Tsang Decl. ¶6). In addition, a copy of the docket records (EXHIBIT D) where a response to the non-received Office Action would have been entered if the Office Action was received and docketed is attached to and referenced in Ms. Tsang's Declaration (Tsang Decl. ¶6). Specifically, the attached docket records illustrate all of the matters docketed for action on December 18, 2002, the end of the three month shortened period for response to the Office Action mailed September 18, 2002, and illustrates the absence of a docketed response deadline to this Office Action on that date. In addition, the attached docket records illustrate all of the matters docketed for action on March 18, 2003, the end of the six month period for response to the Office Action mailed September 18, 2002, and illustrates the absence of a docketed response deadline to this Office Action on that date.


In addition, the Declaration of Brian C. McCormack, a registered patent attorney (Reg. No. 36,601) in the Dallas office of Baker & McKenzie, is also attached (EXHIBIT F). The Declarations of Anna Tsang and Brian McCormack set forth numerous facts establishing that the Applicants have diligently pursued the preparation and filing of the present Petition to Withdrawn Holding of Abandonment in order to the revive of the present Application. Accordingly, Applicants respectfully request the holding of abandonment be withdrawn in the present Application based on the failure to receive the Office Action dated September 18, 2002.

II. CONCLUSION

In view of the foregoing, the Applicants respectfully request the present Application be revived in response to the present Petition to Withdraw Holding of Abandonment under 37 C.F.R. § 1.181. Although no fees are believed to be due with the present Petition, authorization is hereby given to charge any necessary fees that may be required to Deposit Account No. 13-0480, referencing Attorney Docket No. 141181.200200. The Applicants respectfully request the undersigned Attorney of Record be contacted with regard to any questions or concerns regarding the present Petition.

Respectfully submitted,

Date: September 12, 2003



Brian C. McCormack
Reg. No. 36,601
Attorney for Applicant

BAKER & MCKENZIE
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, TX 75201
Tel: (214) 978-3000
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EXHIBIT A

PTO/SB/63 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

| | | |
|---|--|---|
| TERMINAL DISCLAIMER TO ACCOMPANY PETITION | | Docket Number (Optional) 141181-200200 |
| <p>In re Application of: Chia-Tin Chung, et al.</p> <p>Examiner Name: John McPherson</p> <p>Application Number: 09/730,904</p> <p>Filed: 12/5/2000</p> <p>For: Method for Manufacturing an Organic Electroluminescent Display</p> | | |
| <p>The owner*, <u>CHI Mei Optoelectronics Corporation</u> of <u>100</u> percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p> | | |
| <p><u>214/978-3007</u> Telephone Number</p> | | <p><u>Brian C. McCormack</u> 9/12/2003 Signature Date</p> |
| | | <p><u>Brian C. McCormack, Reg. No. 36,601</u> Typed or Printed Name</p> |
| <p><input type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/98 may be used for making this certification. See MPEP § 324.</p> | | |

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT B**DECLARATION OF JEANETTE OLIVERA**

I, Jeanette Olivera, a citizen of the United States and residing at 2220 C Street, #215, San Diego, CA 92102, declare:

1. My name is Jeanette Olivera and I am over the age of twenty-one (21) years, of sound mind, and fully competent to testify to the following facts. I have personal knowledge that all facts set forth in this Declaration are true and correct.
2. I am an assistant to Pamela Wong, an attorney in the San Diego office of Baker & McKenzie, which has an address of Twelfth Floor, 101 West Broadway, San Diego, California 92101.
3. To the best of my knowledge, the San Diego office of Baker & McKenzie is the designated Correspondence Address for U.S. Patent Application No. 09/730, 904, which has an Atty Docket No. 141181-200200 ("present application") and on which Chi Mei Optoelectronics Corporation ("Chi Mei") is the Assignee, from at least September 18, 2002, to the present.
4. In the normal course of my work, I receive correspondence on patent related matters in which the San Diego office is the designated Correspondence Address.
5. In the normal course of my work, I forward correspondence I receive on patent related matters to other offices of Baker & McKenzie to which the matters have been transferred.
6. I have been informed by attorneys of Baker & McKenzie that since the departure of Mitchell P. Brook from the San Diego office, the present application and all other patent related matters on which Chi Mei is the Assignee have been transferred to the Taipei office. I

DECLARATION OF JEANETTE OLIVERA

PAGE 1 OF 4

was further informed that all correspondence in the present application and all other patent related matters on which Chi Mei is the Assignee should be forwarded to the Taipei office.

7. In the normal course of my work, I forward correspondence I receive on patent related matters to the Taipei, Taiwan office of Baker & McKenzie, which has an address of 15th Floor, Hung Tai Center, No. 168, Tun Hwa North Road, Taipei, Taiwan 105, when the matters have been transferred to the Taipei office.

8. I did not receive an Office Action of the United States Patent and Trademark Office (U.S.P.T.O.), dated September 18, 2002, for the present application before March 18, 2003, if at all.

9. On April 1, 2003, I received a telephone call from Patent Examiner John McPherson of the U.S.P.T.O. Examiner McPherson informed me that he was the designated Examiner for the present application. Examiner McPherson informed me that the present application was going to become abandoned for failure to respond to the Office Action dated September 18, 2002. I told Examiner McPherson that as of the time of the telephone call I had not received the Office Action dated September 18, 2002. I also told Examiner McPherson that I did not believe the present application was abandoned intentionally. I further told Examiner McPherson that I did not know if the Taipei office had received the Office Action dated September 18, 2002.

10. On April 1, 2003, after speaking with Examiner McPherson, I sent an e-mail message to Ya-Chiao Chang, Elaine Chen, and AnnaTsang of the Taipei office informing them of the telephone call from Examiner McPherson referenced in ¶9. In the e-mail message, I stated that Examiner McPherson said that the present application was going to become abandoned for failure to respond to the Office Action dated September 18, 2002.

DECLARATION OF JEANETTE OLIVERA

PAGE 2 OF 4

11. On or about April 29, 2003, I received a Notice of Abandonment dated April 9, 2003, for the present application indicating the present application became abandoned on March 18, 2003, for failure to respond to the Office Action dated September 18, 2002. On April 29, 2003, I forwarded this Notice of Abandonment to Cathy Wang, a Patent Assistant in the Taipei office.

12. On July 4, 2003, I received an e-mail message from Cathy Wang inquiring whether the Office Action dated September 18, 2002, was received by the San Diego office before March 18, 2003, if at all.

13. On July 7, 2003, I sent a reply e-mail message to Cathy Wang in response to the inquiry in ¶12 stating that to the best of my knowledge and as of July 7, 2003, the San Diego office had never received the Office Action dated September 18, 2002.

14. On August 14, 2003, I received an e-mail message from Cathy Wong requesting that the San Diego office handle the drafting and filing of a Petition to Withdraw Holding of Abandonment in the present application. The e-mail message further stated that the San Diego office should handle this matter because the San Diego office was the designated Correspondence Address for the present application, which is where the Office Action dated September 18, 2002, should have been received.

15. On August 14, 2003, I sent an e-mail message to Jana Taylor of the Dallas office of Baker & McKenzie, which has its address at 2001 Ross Avenue, Suite 2300, Dallas, Texas, 75201, requesting that attorneys in the Dallas office draft the Petition referenced in ¶14 since my supervisor, Pamela Wong, was on vacation. To the best of my knowledge, the Dallas office agreed to prepare the Petition referenced in ¶14, as well as any accompanying documents.

DECLARATION OF JEANETTE OLIVERA

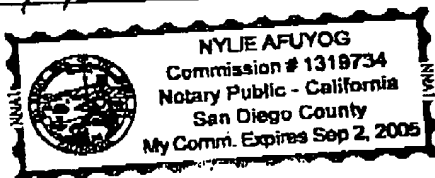
PAGE 3 OF 4

16. I further declare that all statements made herein of my own personal knowledge are true, and all statements made on information are believed to be true; and furthermore, that the statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code.

Jeanette Olivera
Jeanette Olivera

SUBSCRIBED AND SWORN TO BEFORE ME on this 29th day of August 2003, to certify which witness my hand and seal of office.

My Commission Expires:
9/2/05



Nylie Afuyog
Notary Public in and for the

State of CALIFORNIA

NYLIE AFUYOG
Printed Name of Notary

DECLARATION OF JEANETTE OLIVERA

PAGE 4 OF 4

EXHIBIT C**DECLARATION OF ANNA TSANG**

I, Anna Tsang, a citizen of the United States and residing at 11-1 F., No. 52, Chien Chung 1 Road, Hsin-Chu City, Taiwan, R.O.C., declare:

1. My name is Anna Tsang and I am over the age of twenty-one (21) years, of sound mind, and fully competent to testify to the following facts. I have personal knowledge that all facts set forth in this Declaration are true and correct.
2. I am a registered patent attorney (Reg. No. 48003) in the Taipei, Taiwan office of Baker & McKenzie, which has an address of 15th Floor, Hung Tai Center, No. 168, Tun Hwa North Road, Taipei, Taiwan 105.
3. I am presently the attorney-in-charge of the file for U.S. Patent Application No. 09/730, 904, which has an Atty Docket No. 141181-200200 ("present application") and on which Chi Mei Optoelectronics Corporation ("Chi Mei") is the Assignee.
4. To the best of my knowledge, the San Diego office of Baker & McKenzie, which has an address of Twelfth Floor, 101 West Broadway, San Diego, California 92101, is the designated Correspondence Address for the present application from at least September 18, 2002, to the present.
5. I did not receive an Office Action of the United States Patent and Trademark Office (U.S.P.T.O.), dated September 18, 2002, for the present application before March 18, 2003, if at all.
6. As the attorney-in-charge of the present application, I have searched the file jacket of the present application, as well as the appropriate docket records, and both searches

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indicate that the Office Action dated September 18, 2002, was not received and, therefore, not docketed for a response. A copy of the docket records where a response to the non-received Office Action would have been entered had it been received and docketed is marked as "EXHIBIT E", and attached to this Declaration.

7. I received an e-mail message from Jeanette Olivera of the San Diego office on April 1, 2003, regarding a telephone call from Examiner McPherson, the designated Patent Examiner for the present application, to Jeanette Olivera informing her of the eventual abandonment of the present application for failure to respond to the Office Action dated September 18, 2002.

8. I received a Notice of Abandonment, dated April 9, 2003, for the present application in mid-May 2, 2003, from Cathy Wang, a Patent Administrator in the Taipei office of Baker & McKenzie, indicating the present application was determined abandoned on March 18, 2003.

9. I inquired of Robert Chen, the General Counsel of Chi Mei, whether I could revive the present application soon after I learned of the abandonment.

10. After receiving permission to proceed with reviving the present application from Robert Chen on or about July 4, 2003, I instructed Cathy Wang to make an inquiry to the San Diego office regarding whether the Office Action dated September 18, 2002, was received by the San Diego office before the present application became abandoned.

11. On or about July 7, 2003, I was informed a reply to the inquiry in ¶10 from Jeanette Olivera stating the San Diego office never received the Office Action dated September 18, 2002, before March 18, 2003, if at all.

NOT PUBLIC

12. On July 25, 2003, I discussed the issue of the fee for reviving for the present application with Robert Chen, and received authority to revive the present application from Robert Chen on July 30, 2003.

13. I telephoned the designated Examiner for the present application, Examiner McPherson, on August 7, 2003, and August 8, 2003, but was unable to reach Examiner McPherson on these dates.

14. I telephoned Examiner McPherson again on August 11, 2003, and spoke with Examiner McPherson regarding the abandonment of the present application. I was informed by Examiner McPherson that I could file a Petition to Withdraw Holding of Abandonment in the present application.

15. On August 14, 2003, I instructed Cathy Wang to ask the San Diego office, through Jeanette Olivera, to prepare and file a Petition to Withdraw Holding of Abandonment for the present application.

16. I have been in communication with personnel in the San Diego and Dallas offices regarding the relevant facts for the preparation and filing of the Petition to Withdraw Holding of Abandonment, and any accompanying documents, for example, Declaration of involved persons, in the present application since the instruction I gave in ¶15.

17. I have been actively involved in the preparation and filing of the Petition to Withdraw Holding of Abandonment, and any accompanying documents, in the present application since the instruction I gave in ¶15.

18. I further declare that all statements made herein of my own personal knowledge are true, and all statements made on information are believed to be true; and furthermore, that the statements were made with the knowledge that willful, false statements and the like so made are

Y PUBLIC

punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code.



Anna Tsang

SUBSCRIBED AND SWORN TO BEFORE ME on this 5th day of September 2003, to certify which witness my hand and seal of office.

My Commission Expires:

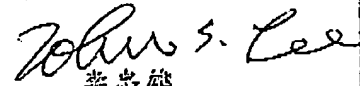
Dec. 31, 2009

Notary Public in and for the

Country of Taiwan, Republic of China

John Lee

Printed Name of Notary

| | |
|--|--|
| 案號 | 日期 |
| Case No. 00102 | Date SEP 05 2003 |
| 本文件之簽名或蓋章，於台灣台北地方法院民間公證人處認證。 | |
| Attested at the Notary Public of Taiwan Taipei District Court, R.O.C. that the signature(s)/seal(s) in this document is/are authentic. | |
| Notary Public |  |
| 公證人 | 李忠雄 LEE JOHN-SHIUNG |

Baker & McKenzie
15th Fl., Hung Tai Center
168 Tun Hwa North Road
Taipei, Taiwan
R. O. C.

PAGE 21/52 * RCVD AT 6/23/2004 3:59:08 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/2 * DNIS:8729306 * CSID:214 965 5900 * DURATION (mm-ss):17-58

[illegible]

EXHIBIT E
DECLARATION OF CATHY WANG

I, Cathy Wang, a citizen of the R.O.C. and residing at 5F, No.13, Alley 65, Lane 71 Jiangnan St., Neihu District, Taipei City 114, Taiwan, R.O.C., declare:

1. My name is Cathy Wang and I am over the age of twenty-one (21) years, of sound mind, and fully competent to testify to the following facts. I have personal knowledge that all facts set forth in this Declaration are true and correct.
2. I am a Patent Administrator at the firm of Baker & McKenzie in the Taipei, Taiwan office of Baker & McKenzie, which has an address of 15th Floor, Hung Tai Center, No. 168, Tun Hwa North Road, Taipei, Taiwan 105.
3. To the best of my knowledge, the San Diego office of Baker & McKenzie, which has an address of Twelfth Floor, 101 West Broadway, San Diego, California 92101, is the designated Correspondence Address for U.S. Patent Application No. 09/730, 904, which has an Atty Docket No. 141181-200200 ("present application") and on which Chi Mei Optoelectronics Corporation ("Chi Mei") is the Assignee, from at least September 18, 2002, to the present.
4. In the normal course of my work, I receive correspondence from the San Diego office on certain patent related matters handled by the Taipei office, but on which the San Diego office is the designated Correspondence Address.
5. I am presently the person in the Taipei office in charge of docketing matters for the present application, and have been since at least September 18, 2002.
6. I did not receive an Office Action from the United States Patent and Trademark Office (U.S.P.T.O.), dated September 18, 2002, for the present application before March 18, 2003, if at all. As a result, no response to the Office Action was docketed.
7. I received, on May 2, 2003, from Jeanette Olivera of the San Diego office a

DECLARATION OF CATHY WANG

PAGE 1 OF 2

PUBLIC:

Notice of Abandonment dated April 9, 2003, for the present application indicating the present application became abandoned on March 18, 2003.

8. I delivered, in due course, the Notice of Abandonment dated April 9, 2003, to Anna Tsang of the Taipei office, the attorney in charge of the present application at that time, about mid-May, 2003.

9. On July 4, 2003, at the instruction of Anna Tsang, I sent an e-mail message to Jeanette Olivera regarding whether the Office Action dated September 18, 2002, was received by the San Diego office before March 18, 2003, if at all.

10. On July 7, 2003, I received a reply to the inquiry in ¶9 from Jeanette Olivera stating the San Diego office never received the Office Action dated September 18, 2002. I informed Anna Tsang of this reply on or about July 7, 2003.

11. I further declare that all statements made herein of my own personal knowledge are true, and all statements made on information are believed to be true; and furthermore, that the statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code.

Cathy Wang
Cathy Wang

SUBSCRIBED AND SWORN TO BEFORE ME on this 5th day of September 2003, to certify which witness my hand and seal of office.

My Commission Expires:

Dec. 31, 2009

Notary Public in and for the

State of Taiwan, Republic of China

John Lee
Printed Name of Notary

| | | | |
|--|-----------------|----|-------------|
| 案號 | 00103 | 日期 | SEP 05 2003 |
| Case No. 00103 Date | | | |
| 本文件之簽名或蓋章，於台灣台北地方法院民間公證人處認證。 | | | |
| Attested at the Notary Public of Taiwan Taipei District Court, R.O.C. that the signature(s)/seal(s) in this document is/are authentic. | | | |
| Notary Public | <i>John Lee</i> | | |
| 公證人 | 李忠雄 | | |
| | LEE JOHN-SHIUNG | | |
| DECLARATION OF CATHY WANG | | | |
| Baker & McKenzie | | | |
| Tel: Center- | | | |

PAGE 2 OF 2

EXHIBIT F**DECLARATION OF BRIAN McCORMACK**

I, Brian C. McCormack, a citizen of the United States of America and residing at 5204 Meadowchase Lane, Flower Mound, Texas 75028, declare:

1. My name is Brian C. McCormack and I am over the age of twenty-one (21) years, of sound mind, and fully competent to testify to the following facts. I have personal knowledge that all facts set forth in this Declaration are true and correct.
2. I am a registered patent attorney (Reg. No. 36,601) at the firm of Baker & McKenzie at the Dallas, Texas office of Baker & McKenzie, which has an address of 2001 Ross Avenue, Suite 2300, Dallas, Texas 75201.
3. On August 14, 2003, the Dallas office received an inquiry from the San Diego office of Baker & McKenzie, which has an address of Twelfth Floor, 101 West Broadway, San Diego, California 92101, regarding the filing of a Petition to Withdraw Holding of Abandonment for U.S. Patent Application No. 09/730, 904, which has an Atty Docket No. 141181-200200 ("present application") and on which Chi Mei Optoelectronics Corporation ("Chi Mei") is the Assignee.
4. On August 15, 2003, I begin investigation into the abandonment of the present application, and the actions available to be taken regarding this matter.
5. On August 21, 2003, I contacted Anna Tsang of the Taipei, Taiwan office of Baker & McKenzie, which has an address of 15th Floor, Hung Tai Center, No. 168, Tun Hwa North Road, Taipei, Taiwan 105, and informed her that the Dallas office would prepare a Petition to Withdraw Holding of Abandonment for the present application.

DECLARATION OF BRIAN C. McCORMACK

PAGE 1 OF 2

6. Since August 21, 2003, the Dallas office has diligently pursued, without undue delay and with the cooperation of Anna Tsang, Cathy Wang, and Jeanette Olivera, the preparation of a Petition to Withdraw Holding of Abandonment for the present application, including accompanying Declarations, until the date the Petition was filed with the United States Patent and Trademark Office.

7. I further declare that all statements made herein of my own personal knowledge are true, and all statements made on information are believed to be true; and furthermore, that the statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code.

Brian C. McCormack

Brian C. McCormack

SUBSCRIBED AND SWORN TO BEFORE ME on this 9th day of September 2003, to certify which witness my hand and seal of office.

My Commission Expires:

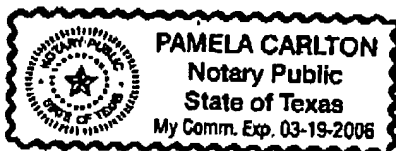
3-19-2006

Pamela Carlton

Notary Public in and for the

State of Texas

Pamela Carlton
Printed Name of Notary



DECLARATION OF BRIAN C. MCCORMACK

PAGE 2 OF 2

OFFICIAL

JUN 23 2004

UTILITY PATENT APPLICATION
Atty. Docket No. 87141181-200200**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**In re Application of: Chia-Tin Chung *et al.*

Serial No.: 09/730,904

Filed: December 5, 2000

For: METHOD FOR
MANUFACTURING AN
ORGANIC
ELECTROLUMINESCENT
DISPLAY

Group Art Unit: 1756

Examiner: John McPherson

June 23, 2004

Via Facsimile (703) 872-9306
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Attn Mail Stop: Petitions

**STATEMENT OF MAILING PURSUANT
TO MPEP 512(b) and MPEP 513(d)**

Applicant filed a Petition to Withdraw Holding of Abandonment on September 12, 2003 pursuant to 37 CFR 1.181. In addition, Applicant resubmitted this petition on January 9, 2004 pursuant to 37 CFR 1.8. Receipt of both of these correspondences by the Patent Office is confirmed by receipt the return-receipt postcard for the September 12, 2003 filing and the Auto-Reply Facsimile Transmission for the January 9, 2004 filing. Pursuant to a telephone conference on June 22, 2004 with Examiner Derek Woods of the Petitions Branch, it was determined, however, that these correspondences have been lost at the Patent Office.

Copies of the Petition to Withdraw Holding of Abandonment, transmittal documents and return-receipt postcard reflecting receipt by the Patent Office on September 12, 2003 are attached herewith as **Exhibit A**.

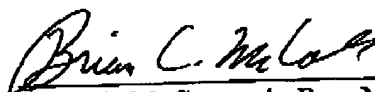
Copies of the Resubmission of the Petition to Withdraw Holding of Abandonment, transmittal documents and Auto-Reply Facsimile Transmission reflecting receipt by the Patent Office on January 9, 2004 are attached herewith as **Exhibit B**.

On personal knowledge, the below-signed attorney of record attests that the Petition to Withdraw Holding of Abandonment was filed pursuant to 37 CFR 1.10 on September 12, 2003, express mail number EV047870883US and resubmitted under 37 CFR 1.8 on January 9, 2004.

Applicant hereby requests entry of the Petition. Although no fees are believe to be due with the Petition, the Commissioner is hereby authorized to debit deposit account number 13-0480 in the event any additional fees are required referencing attorney docket number 87141181.200200.

If the Examiner has any questions or would like to discuss this statement, a telephone conference to the below-signed attorney of record is greatly appreciated.

Respectfully submitted,



Brian C. McCormack, Reg. No. 36,601
Baker & McKenzie
Attorney for Applicant(s)
(214) 978-3007
(214) 978-3099 (fax)

EXHIBIT A



EV 047870883 US



EV 047870883 US

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TO ADDRESSEE

ORIGIN (POSTAL USE ONLY)

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Date of Mailing:
Express Mail:September 12, 2003
EV 047870883 USPLEASE INDICATE RECEIPT OF BELOW-IDENTIFIED PAPERS THAT
WERE MAILED ON DATE ABOVE:

- ☒ Return Receipt Postcard
- ☒ Transmittal Form
- ☒ Petition Under 37 C.F.R. 1.181 (5 pages)
- ☒ Terminal Disclaimer to Accompany Petition- Exhibit A
- ☒ Exhibit B (4 pages)
- ☒ Exhibit C (4 pages)
- ☒ Exhibit D (2 pages)
- ☒ Exhibit E (2 pages)
- ☒ Exhibit F (2 pages)

IDENTIFICATION OF APPLICATION:

| | |
|----------------------|--------------------|
| Serial No.: | 09/730,904 |
| Filing Date: | December 5, 2000 |
| Client: | Chia-Tin Chung |
| Attorney Docket No.: | 141181-200200 |
| Atty: | Brian C. McCormack |

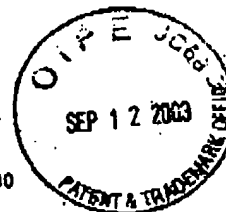


EXHIBIT B



EV 047870883 US


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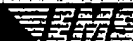
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- X Return Receipt Postcard
- X Transmittal Form
- X Petition Under 37 C.F.R. 1.161 (5 pages)
- X Terminal Disclaimer to Accompany Petition- Exhibit A
- X Exhibit B (4 pages)
- X Exhibit C (4 pages)
- X Exhibit D (2 pages)
- X Exhibit E (2 pages)
- X Exhibit F (2 pages)

IDENTIFICATION OF APPLICATION:

| | |
|----------------------|--------------------|
| Serial No.: | 09/730,904 |
| Filing Date: | December 5, 2000 |
| Client: | Chia-Tin Chung |
| Attorney Docket No.: | 141181-200200 |
| Atty: | Brian C. McCormack |



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PTO/SB/97 (08-03)

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6/23/2004

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Brian C. McCormack, Reg. No. 36601

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FOR S/N 09/730,904

1. STATEMENT OF MAILING PURSUANT TO MPEP 513(d) and 512(b) with Exhibits:
 - A - Petition to Withdraw Holding of Abandonment and accompanying documents originally filed September 12, 2003;
 - B - Resubmission of Petition to Withdraw Holding of Abandonment and accompanying documents originally filed January 9, 2004; and
2. Facsimile transmission cover sheet

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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23 (including cover page)

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PAGE 50/52 * RCVD AT 6/23/2004 3:59:08 PM (Eastern Daylight Time) * SVR:USPTO-EFXRF-1/2 * DNIS:8729306 * CSID:214 965 5900 * DURATION (mm-ss):17-58

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**TRANSMITTAL
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Total Number of Pages in This Submission

| | |
|------------------------|----------------|
| Application Number | 09/730,904 |
| Filing Date | 12/5/2000 |
| First Named Inventor | Chia-Tin Chung |
| Art Unit | 1756 |
| Examiner Name | John McPherson |
| Attorney Docket Number | 141181-200200 |

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☒ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
- ☒ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s)

- ☐ After Allowance communication to Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
- Exhibits B-F
- Postcard Acknowledgement

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|--|
| Firm or Individual name | Brian C. McCormack Baker & McKenzie |
| Signature | <i>Brian C. McCormack</i> |
| Date | 09/12/2003 |

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| Typed or printed name | Brian C. McCormack |
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Signature

Brian C. McCormack

Date 09/12/2003

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